

"major rule" as defined by 5 U.S.C. 804(2).

#### C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action converting EPA's conditional approval of revisions to the Delaware SIP for NSR to a full approval must be filed in the United States Court of Appeals for the appropriate circuit by April 9, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time

within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen dioxide, VOCs, Ozone.

Dated: January 17, 2001.

**Bradley M. Campbell,**  
Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

#### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

#### Subpart I—Delaware

2. In § 52.420, the table in paragraph (c) is amended by revising entries 1 and 2 under Regulation 25 to read as follows:

#### § 52.420 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

#### EPA-APPROVED REGULATIONS IN THE DELAWARE SIP

State citation	Title/subject	State effective date	EPA approval date	Comments
*	*	*	*	*
<b>Regulation 25 Requirements for preconstruction review.</b>				
Section 1 .....	General provisions .....	1/1/93 (as revised 5/11/99).	[2/7/01 and FR cite]	Excluding § 1.2, 1.6, 1.9(L), 1.9(M), 1.9(N), 1.9(O) which relate to Prevention of Significant Deterioration.
Section 2 .....	Emission offset provisions.	1/1/93 (as revised 5/11/99).	[2/7/01 and FR cite].	
*	*	*	*	*

3. In § 52.424, paragraph (c) is removed and reserved.

[FR Doc. 01-3158 Filed 2-6-01; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 721

[OPPTS-50638A; FRL-6769-7]

RIN 2070-AB27

#### Significant New Uses of Certain Chemical Substances; Delay of Effective Date

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final Rule; Delay of Effective Date.

**SUMMARY:** In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the *Federal Register* on January 24, 2001 (66 FR 7701), this action temporarily delays for 60 days the effective date of the rule entitled

"Significant New Uses of Certain Chemical Substances; Direct Final Rule," published in the *Federal Register* on December 26, 2000 (65 FR 81386) (FRL-6592-8). That rule concerns EPA's promulgation of significant new use rules (SNURs) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for 40 chemical substances which were the subject of premanufacture notices (PMNs) and subject to TSCA section 5(e) consent orders issued by EPA.

**DATES:** The new effective date of the Significant New Uses of Certain Chemical Substances; Direct Final Rule, amending 40 CFR part 721 published in the *Federal Register* on December 26, 2000 at 65 FR 81386 (FRL-6592-8), from February 26, 2001, to a new effective date of April 27, 2001.

**FOR FURTHER INFORMATION CONTACT:** James Alwood, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260-1857; e-mail address: alwood.jim@epa.gov.

**SUPPLEMENTARY INFORMATION:** To the extent that 5 U.S.C. 553 applies to this

action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, the Agency's implementation of this action without opportunity for public comment, effective immediately upon publication today in the *Federal Register*, is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Agency officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this rule immediately effective upon publication.

Dated: February 1, 2001.

**David Kling,**

*Acting Director, Office of Pollution Prevention and Toxics.*

[FR Doc. 01-3181 Filed 2-6-01 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 2 and 95

[WT Docket No. 98-169; FCC 00-411]

### Regulatory Flexibility in the 218-219 MHz Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document the Commission denies seven petitions for reconsideration and affirms the *218-219 MHz Order* which modified the regulations governing the licensing of the 218-219 MHz Service (formerly known as the Interactive Video and Data Service ("IVDS")) to maximize the efficient and effective use of the band. The petitions fall into four general categories. The first category includes requests to change the options available under the 218-219 MHz service, restructuring plan. The second category includes requests to expand the definition of entities eligible to participate in the 218-219 MHz service, restructuring plan. The third category consists of miscellaneous requests relating to the 218-219 MHz Service restructuring plan. The fourth category consists of requests to expand the remedial bidding credit to all current and former licensees. Additionally, the item makes several technical modifications to conform the rules to the *218-219 MHz Order*.

**DATES:** Effective April 9, 2001.

**FOR FURTHER INFORMATION CONTACT:** Andrea Kelly, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418-0660.

**SUPPLEMENTARY INFORMATION:** This is a summary of a Second Order on Reconsideration of the Report and Order and Memorandum Opinion and Order (*Order*) in WT Docket No. 98-169, adopted on November 22, 2000, and released on December 13, 2000. The complete text of the *Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW, Washington, DC. It may also be purchased from the Commission's copy contractor,

International Transcription Services, Inc. (ITS, Inc.), 445 12th Street, SW, Room CY-B400, Washington, DC 20554, (202) 314-3070. The *Order* is also available on the Internet at the Commission's web site: <http://www.fcc.gov/wtb/documents.html>.

### I. Introduction

1. On September 10, 1999, the Federal Communications Commission ("Commission") issued the *218-219 MHz Order*, which modified the regulations governing the licensing of the 218-219 MHz Service (formerly known as the Interactive Video and Data Service ("IVDS")) to maximize the efficient and effective use of the band. See 64 FR 59656 (November 3, 1999). The *218-219 MHz Order*, among other things, modified service and technical rules for the band and extended the license term from five to ten years, eliminated the three- and five-year construction benchmarks, and adopted a "substantial service" analysis to be assessed at the expiration of the 218-219 MHz license term as a condition of renewal. The Commission also adopted a restructuring plan for existing licensees that had participated in the installment payment program and that: (i) Were current in installment payments as of March 16, 1998; (ii) were less than ninety days delinquent on the last payment due before March 16, 1998; or (iii) had properly filed grace period requests under the former installment payment rules ("Eligible Licensees"). Those licensees that had paid in full are not eligible to participate in the restructuring plan as they no longer owe a debt to the Commission and no public policy goal would be served by allowing them to participate. Pursuant to the restructuring plan, Eligible Licensees must make elections on a per license basis, choosing among three options: (i) Reamortization and Resumption of Payments; (ii) Amnesty; or (iii) Prepayment (Prepayment-Retain or Prepayment-Return). If an Eligible Licensee elects Reamortization and Resumption of Payments the licensee retains one or more of its licenses and remains in the installment payment plan. The loan will be "reamortized" over the remaining term of the license. If an Eligible Licensee elects Amnesty its license is returned to the Commission in exchange for debt forgiveness of the outstanding principal balance and all interest payments due thereon. The Commission retains the down payment. If an Eligible Licensee elects Prepayment it may return or retain as many licenses as it wishes. The Prepayment option applies to all of the licenses held by a licensee and cannot

be combined with Amnesty or Reamortization/Resumption.

2. "Ineligible Entities" are those entities that made first and second down payments and: (i) Made some installment payments, but were not current in their installment payments as of March 16, 1998, and did not have a grace period request on file in conformance with the former installment payment rules; or (ii) never made any installment payments and did not have a timely filed grace period request on file, in conformance with the former rules. See 47 CFR 95.816 (d)(3) (1994). Ineligible Entities are not eligible to make elections, but will be granted debt forgiveness for any outstanding balances owed and have previously paid installment payments refunded.

3. On November 24, 1999, on our own motion, we adopted the *218-219 MHz Reconsideration Order*, 64 FR 72956 (December 29, 1999), which modified our *218-219 MHz Order*. We eliminated the provision allowing an Eligible Licensee electing the Amnesty option to obtain a credit for seventy percent of its down payment and forego, for a period of two years from the start date of the next auction of the 218-219 MHz Service, eligibility to reacquire the surrendered licenses through either auction or any secondary market transaction.

4. In response to the rulings in the *218-219 MHz Order*, we received seven petitions for reconsideration, one opposition to the petitions, and no replies. We note that we did not receive any petitions for reconsideration in response to our *sua sponte 218-219 MHz Reconsideration Order*. After considering the arguments raised in the filings, we affirm the *218-219 MHz Order*, as modified by the *218-219 MHz Reconsideration Order*, in its entirety. Additionally, we respond to certain requests for clarification contained in the filings and we make technical modifications to the rules.

### II. Executive Summary

5. The following is a synopsis of the major actions we adopt. In this *Second Order on Reconsideration of the Report and Order and Memorandum Opinion and Order*, we:

(i) Affirm that the restructuring plan is limited to existing licensees that: (i) Were current in installment payments as of March 16, 1998; (ii) were less than ninety days delinquent on the last payment due before March 16, 1998; or (iii) had properly filed grace period requests under the former installment payment rules;